

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FRED D. BROUSSARD, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. H-04-1059
§
TEXAS DEPARTMENT OF CRIMINAL §
JUSTICE, et al, §
§
Defendants. §

MEMORANDUM AND ORDER

On July 21, 2006, Plaintiff moved for leave to proceed on appeal *in forma pauperis*. Plaintiff's motion was denied without prejudice to refiling for failure to attach an affidavit, as required under Federal Rule of Appellate Procedure 24(a)(1), in this Court's Memorandum and Order of July 26, 2006. Because Plaintiff has since filed an affidavit, relief from the July 26 Memorandum and Order is **GRANTED**. FED. R. CIV. P. 60(b)(6). Plaintiff's motion for leave to proceed *in forma pauperis* is **GRANTED**. The clerk is directed to file the complaint.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 24th day of August, 2006.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.